

REMARKS

Initially, Applicant notes that the remarks and amendments made by this paper are consistent with the proposals presented to the Examiner during the telephone call of November 5, 2007.

The Non-Final Office Action mailed September 5, 2007 considered and rejected claims 1-32. Claims 1, 13 and 24 were rejected under 35 U.S.C. 102(b) as being anticipated by Smith (US 2002/0152399) hereinafter Smith. Claims 2, 14, and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Callas et al. (US 2006/0015736) hereinafter Callas.

By this paper, claims 1, 2, 5, 8, 12, 24, 25, 27, and 30 have been amended, claims 13-23 have been canceled, and claims 33 and 34 have been added such that claims 1-12 & 24-34 remain pending, of which claims 1 and 24 are the only independent claims at issue. Support for the amendments and new claims is found throughout the Specification including, but not limited to, the disclosure on pgs. 8 and 12-13.

Applicant's claimed invention is generally directed to embodiments for processing of previously failed messages. For example, the embodiment of claim 1 recites a method for processing a portion of a message where an attempt to previously process the message failed. In the method state information corresponding to the message is logged to a log of state information, wherein the state information identifies the status of the message at the time the state information was logged. The state information is accessed and the state information logged for the message is used to identify whether the message previously failed to process. Then, in response to an identification that the message previously failed to process, second state information is logged to the log of state information indicating that the message is being de-featured according to a first rule. A portion of the message is then removed in accordance with the first rule to increase the likelihood of the message processor being able to appropriately process the message. The message is then reprocessed.

The remaining independent claim is closely related to claim 1 and differs only in statutory category. Instead of a method, claim 24 recites a computer program product that when executed implements a method corresponding to claim 1.

It will be noted that the independent claims were rejected in view of Smith. Smith discloses embodiments for providing protection from exploits to devices connected to a network. In Smith, a component determines whether an encapsulation has been applied to an attachment, a second component scans messages for exploits and a third component holds and cleans messages that include exploits.

Applicant respectfully submits that Smith fails to teach or suggest of the elements of the claimed embodiments. For example, with regard to claim 1, Smith fails to teach or suggest at least a state information log used in manner of claim 1 and acting in response to an identification that the message previously failed to process based on the log.

While Smith is directed to embodiments dealing with messages and taking actions in the event that an exploit exists, Smith is not directed to the detection and processing of failed message processing as is the current invention. As a result, Smith does not teach the use of a log of state information. The current invention can detect malicious messages, like Smith, but it is also capable of detect malformed messages that are causing the messaging processor to fail. Because the message may cause the message processor to fail, a log is kept to track the message processing. When an attempt is made to process the message, the attempt is logged. If the message is not processed successfully, no record is logged indicating that the message was processed successfully. There is no need for the system to affirmatively state the message processor failed, instead, the log is scanned and messages that have started, but never completed are identified as failed. In the event that a message crashes the message processor, the message can still be identified as having not completed. In contrast, the embodiment of Smith requires that the message be scanned to find an exploit. If in the process of scanning the message there is a crash, the message will never be identified as being exploited. The present invention identifies the message with a problem without ever accessing the message and can then modify the message so that it can be processed.

The dependent claims further clarify the distinctions between the current invention and Smith. For example, claim 2 identifies the process of updating the state information to indicate that the message has been processed is done only in response to the message actually being successfully processed. All messages not identified as having been successfully processed can be assumed to have failed.

Claim 5 clarifies the situation in which the first removal of the portion of the message does not correct the failed processing. In such a situation, the message is identified by the state log, except that the state log indicates the previous de-featuring rule. Now the system can process a different de-featuring rule to see if the message will process. Again, even after the de-featuring rules have been applied, the state log is never updated to indicate the message has been successfully processed until it actually has.

Dependent claim 12 further clarifies the process of checking the state information of the message to determine if processing succeeded. In claim 12, the log is accessed and a determination is made if state information exists indicating that the message successfully processed. If the information exists, the message previously succeeded. If the message does not exist, then the previous message failed to process.

Claims 33 and 34 were added to clarify when the access of the state log takes place. The check on the log can be done at a preset periodic interval or it can be in response to an event such as a system failure.

For at least the foregoing reasons, Smith fails to teach or suggest the claimed invention. Callas also fails to teach or suggest the claimed invention, even when combined with Smith. In fact, the reference of Callas was cited in the Office Action solely as teaching using an identifier for the messages and was not purported to teach any of the distinctions described above. Notably, Callas is primarily directed to the authentication of messages and does not discuss the processing or modification of messages to correct for malformed or malicious messages.

In view of the foregoing, Applicant respectfully submits that the claims are distinguished from the cited art and that the other rejections to the claims (which have not specifically been addressed) are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner

provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.¹

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 5th day of December, 2007.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
JOHN C. BACCOCH
Registration No. 59,890
Attorneys for Applicant
Customer No. 47973

RDN:JCJ:JCB:crb:ahy
AHY0000007042V001

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.